

Sixth Appellate District

San Jose, California

MONDAY, JULY 14, 2008

The following cases are submitted this date:

H032043 PEOPLE v. VIGIL

H032433 In re LINDA D.; MONTEREY COUNTY D.S.E.S. v. PATRICIO S.

TUESDAY, JULY 15, 2008

H032424 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 15, 2008

H030063 SHAPIRO et al. v. CLARK

The order granting relief from default is modified to provide that the default will be lifted and the default judgment vacated upon (1) appellant's posting, within 30 days after this decision becomes final as to this court, an undertaking in the sum of \$400,000 securing respondents' recovery in this matter; and (2) appellant's payment to respondents of attorney fees as directed in the order under review. As so modified the order on relief from default is affirmed. The appeal from the default judgment is dismissed. Each side will bear its own costs on appeal. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 15, 2008

H029767 STYLES et al. v. MUMBERT

Anthony E. Pagkas's motion for substitution of party and attorney is denied. Sanctions of \$5,260 are awarded to appellant Mumbert against Pagkas and his attorney Christopher J. D'Anjou. Respondent Delia Styles, having sold her interest in this action, and having failed to file a respondent's brief, is ordered to show cause within 15 days from the date of this opinion why her default should not be entered and the appeal proceed without opposition. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 15, 2008

WEDNESDAY, JULY 16, 2008

The following cases are submitted this date:

H032291 PEOPLE v. RODRIGUEZ

H032384 PEOPLE v. PARRISH

H032428 PEOPLE v. QUIROZ

H032534 PEOPLE v. SALAZAR

H032547 PEOPLE v. REYES

H032652 PEOPLE v. MORENO

H032718 PEOPLE v. MIRELES

Sixth Appellate District

San Jose, California

Wednesday, July 16, 2008 (continued)

H029978 PEOPLE v. THOMAS

The judgment is affirmed without prejudice to defendant's petition for habeas corpus. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 16, 2008

H030110 SONNE v. SONNE

The judgment is reversed, and the matter is remanded to the trial court with directions either to issue an order directing the establishment of a trust into which the survivor benefit payments shall be paid and providing that Wife shall receive 20.61 percent of each survivor benefit payment, and 79.39 percent of each payment shall be paid to Husband's estate, heirs or other designee; or to select another method of apportioning the survivor benefit that complies with Family Code sections 2550 and 2610 and *Lehman*. Husband shall recover his costs on appeal. (published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed July 16, 2008

H030876 PEOPLE v. GUERRERO

The judgment is modified to stay the eight-month consecutive term imposed for false imprisonment along with the associated enhancements for using a firearm and infliction of great bodily injury. As modified the judgment is affirmed. The Clerk of the Superior Court is directed to prepare a new abstract of judgment that reflects the stays and correctly lists the offenses of which defendant was convicted. (See fn. 5, ante.) (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 16, 2008

THURSDAY, JULY 17, 2008

The following cases are submitted this date:

H032382 In re FORREST S., et al.: D.F.C.S. v. ANNA S.
H032246 PEOPLE v. CARTER
H031866 PEOPLE v. MCNEIL
H032221 PEOPLE v. GILBERT
H032157 PEOPLE v LUCAS
H032462 ANDERSON v. KELLOGG
H031419 PEOPLE v. SALINAS, et al.
H032192 PEOPLE v. HUNTER

Sixth Appellate District

San Jose, California

Thursday, July 17, 2008 (continued)

H031180 SAVE OUR WATERFRONT COMMITTEE v. CITY OF MONTEREY, et al.; CANNERY ROW MARKETPLACE, LLC

The appeal is dismissed as untimely with respect to the second cause of action. As to the first cause of action, the judgment is affirmed. Appellant's request for judicial notice is denied. Respondents are entitled to their appellate costs. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 17, 2008

H032107 HERRERA, a Minor, etc. v. HERNANDEZ

The judgment is affirmed. Defendant shall recover his costs on appeal. (published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed July 17, 2008

FRIDAY, JULY 18, 2008

H031452 In re ANTHONY OROZCO on Habeas Corpus

The petition is granted. The Board's August 24, 2006 decision is vacated, and the matter is remanded to the Board to conduct a new hearing regarding Petitioner Anthony Orozco's suitability for parole. This opinion shall be final immediately upon filing with regard to this court. (See Cal. Rules of Court, rule 8.264 (b)(3).) (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 18, 2008

H031581 SIENA COURT HOMEOWNERS ASSOCIATION v. GREEN VALLEY CORPORATION, et al.; UNIVERSITY GARDENS CONDOMINIUM OWNERS ASSOCIATION

The order of April 3, 2007, denying the motion for leave to intervene is affirmed. Costs on appeal are awarded to respondents. (published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)

Filed July 18, 2008